



# City of Norfolk

Office of the City Manager

C: ACM Stein

October 3, 2006

To the Honorable Council  
City of Norfolk, Virginia

Re: Appeal of Planning Commission's  
decision denying a Certificate of  
Appropriateness for 500 Granby Street.

Ladies and Gentlemen:

**I. Recommended Action:**

Two ordinances have been drafted for Council's consideration regarding the approval or denial of a Certificate of Appropriateness.

**II. Overview**

This agenda item is a request from the applicant, Baxter Simmons, who is appealing, pursuant to Zoning Ordinance § 9-0.4(m), a decision of the City Planning Commission. The Planning Commission denied the applicant a Certificate of Appropriateness to install a second sign on the front of the applicant's business at 500 Granby Street, known as Baxter's, a sports lounge.

**III. Analysis**

**A. General**

This item began as an application for a Certificate of Appropriateness (COA) to install signage at three locations and an awning at 500 Granby Street. The applicant, Baxter Simmons, Jr., is the owner of Baxter's, a sports lounge located on the first floor of the building.

A COA is required as a result of the property's location in the Downtown Overlay Historic district. An application for a COA is first considered by the Design Review Committee, which makes a recommendation to the City Planning Commission (CPC). The Planning Commission also considers the application and renders a final decision. An applicant has the right to appeal any decision to the City Council.

A. General (Continued)

The COA application requested for the approval of three installations: 1) signage on the east side of the building; 2) an awning, with signage on the north side of the building over an entry; and 3) signage on an existing awning over the front doors on the Granby Street or west side. On May 22, 2006, the Design Review Committee approved Parts 1 and 2 of the request and denied Part 3 of the request. The COA agenda item was before the Planning Commission on May 25, 2006 and the application was approved with respect to Parts 1 and 2 and denied with respect to Part 3 of the request.

The applicant alleges that the CPC did not have sufficient information to make a decision, claiming that some of the materials he submitted for review were not available to the Commissioners. He also seeks a substantive review, claiming that the signage is essential to "break the monotony" of the awning. Only the denial of Part 3 of the application is before the City Council.

On appeal, the City Council must reconsider Part 3 of the application, seeking additional signage on the west side of the building. The criteria for review require consideration of the following:

- (1) The exterior architectural features, including all signs, which are subject to the public view from a public street, way or place.
- (2) The general design, arrangement, texture, materials, colors, and fenestration of the proposed building or structure and the relation of such factors to similar features of buildings or structures in the immediate vicinity.
- (3) The extent to which the building or structure would be harmonious with or architecturally incompatible with the basic character of the Historic and Cultural Conservation District.
- (4) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic places and areas of historic interest in the city.

B. Environmental

Located in the Downtown Historic Overlay District, approval through the design review process is required of all projects that involve exterior rehabilitation, including signage.

C. Community Outreach/Notification

No advertisement or public hearing is required for consideration of this appeal. Public notification for this item was conducted through the City of Norfolk's agenda notification process.

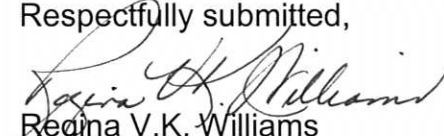
IV. **Board/Commission Action**

By a 7 to 0 vote, the Planning Commission **denied** Part 3 of the request.

V. **Conclusion**

A recommendation of denial to Part 3 of the application submitted by Baxter Simmons to grant a Certificate of Appropriateness for additional signage along the Granby Street entrance was made by the Planning Commission and the Design Review Committee. Since appeal of this type of action is rare, two ordinances have been drafted for Council's consideration regarding the approval or denial of a Certificate of Appropriateness.

Respectfully submitted,



Regina V.K. Williams  
City Manager

**Coordination/Outreach**

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Form and Correctness Approved:

Contents Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

By  
DEPT.**ORDINANCE No.**

AN ORDINANCE TO GRANT A CERTIFICATE OF APPROPRIATENESS FOR SIGNAGE ON THE WEST SIDE OF PROPERTY LOCATED AT 500 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a certificate of appropriateness is hereby granted so as to permit signage to be placed on the awnings located on the west side of the property located at 500 Granby Street.

Section 2:- The signage shall conform in size, shape, color, design, location and all other respects to the diagrams set forth in "Exhibit A," attached hereto.

Section 3:- That this approval is based specifically on consideration of the following aspects of this property:

- (a) The exterior architectural features, including all signs, which are subject to the public view from a public street, way or place.
- (b) The general design, arrangement, texture, materials, colors, and fenestration of the proposed building or structure and the relation of such factors to similar features of buildings or structures in the immediate vicinity.
- (c) The extent to which the building or structure would be harmonious with or architecturally incompatible with the basic character of the Historic and Cultural Conservation District.
- (d) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic places and areas of historic interest

in the city.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT

Exhibit A (2 pages)

EXHIBIT "A"  
(Page 1 of 2)

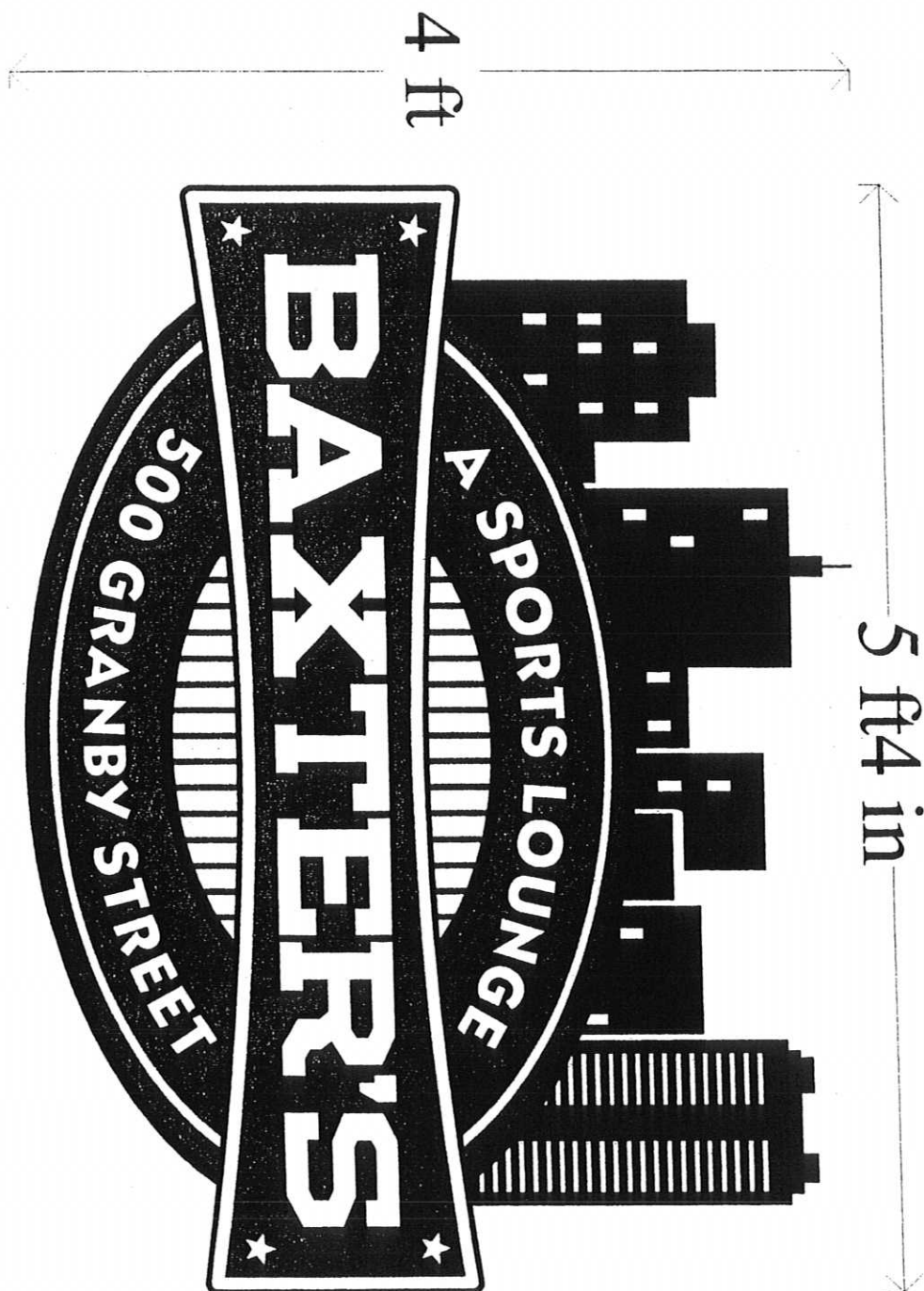
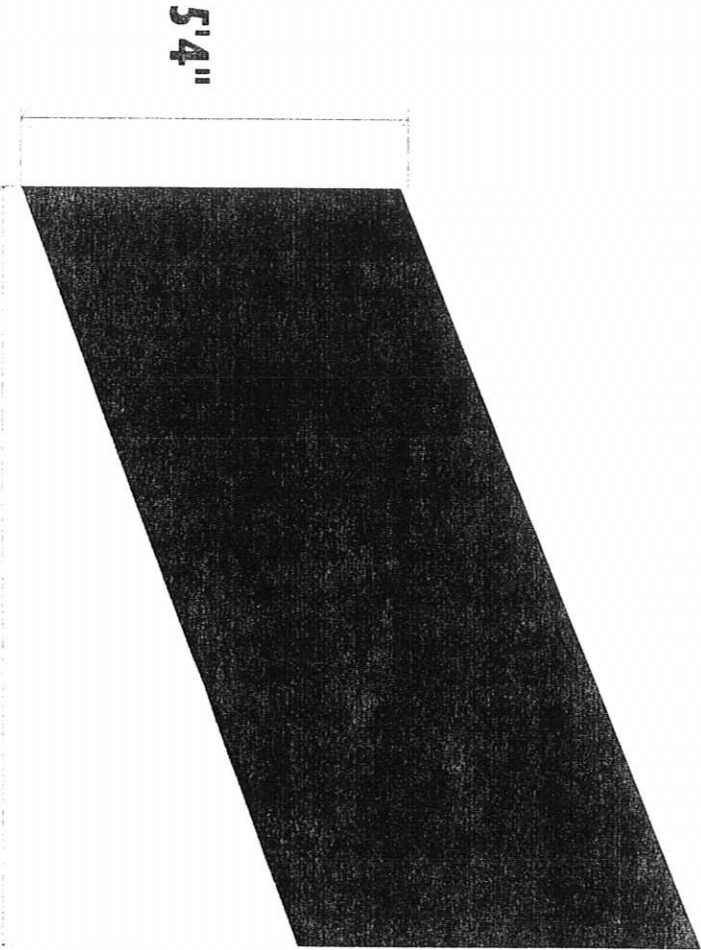
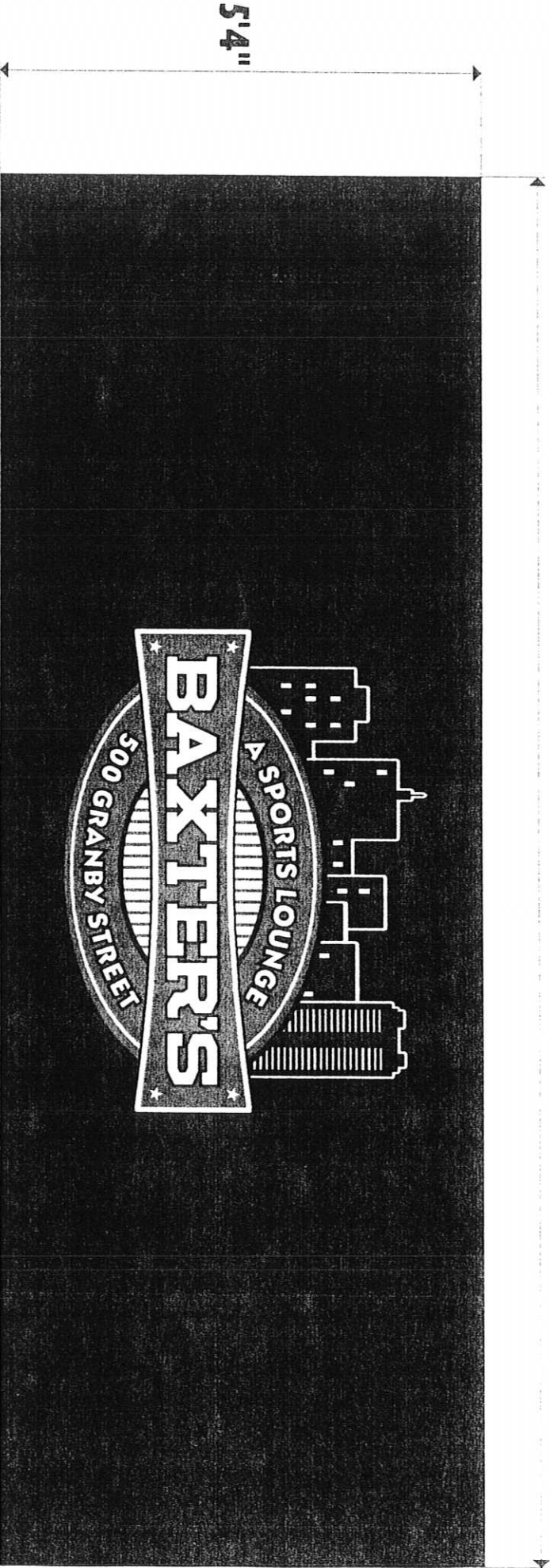

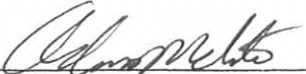


EXHIBIT "A"  
(Page 2 of 2)




Form and Correctness Approved: 

Contents Approved:

By   
Office of the City Attorney

NORFOLK, VIRGINIA

By   
DEPT.**ORDINANCE No.**

AN ORDINANCE TO DENY A CERTIFICATE OF  
APPROPRIATENESS FOR SIGNAGE ON THE WEST SIDE OF  
PROPERTY LOCATED AT 500 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a certificate of appropriateness requesting the installation of signage to be placed on the awnings located on the west side of the property located at 500 Granby Street is hereby denied.

Section 2:- That this denial is based specifically on consideration of the following aspects of this property:

- (a) The exterior architectural features, including all signs, which are subject to the public view from a public street, way or place.
- (b) The general design, arrangement, texture, materials, colors, and fenestration of the proposed building or structure and the relation of such factors to similar features of buildings or structures in the immediate vicinity.
- (c) The extent to which the building or structure would be harmonious with or architecturally incompatible with the basic character of the Historic and Cultural Conservation District.
- (d) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic places and areas of historic interest in the city.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

**Excerpt from**  
**May 25, 2006**  
**City Planning Commission**  
**Action Summary of May 22<sup>nd</sup> NDRC meeting**

9. **Downtown Certificate of Appropriateness**

a. **500 Granby Street, Baxter's**

*Applicant* – Baxter Simmons Jr.

*Request* – COA request to install a new awning and signage in three locations

*NDRC Action* – The NDRC voted:

- 5-1 to **approve** the **signage on the east elevation** on condition of meeting zoning regulations for signage;
- 5-1 to **approve** the installation request of a **new entrance awning on the north** elevation on condition that the encroachment application is approved through the city's Survey Division; and
- 5-1 to **deny** the installation of **new signage on the front entrance awning** due to the existing blade sign's size of 116 square feet and also because the awning over the entrance was not approved as to its installation details.

*Project Summary* – The COA project request is to install:

- an illuminated sign on the east elevation (while three locations are presented, it is the centered sign on the two-storied building that is the preferred);
- an entrance awning on the north elevation of Bute Street; and
- a vinyl logo sign on the entrance awning.

The proposed sign for the east and west elevations is: 5'-4" x 4' (64" x 48") and is 21.3 square feet.

The sign on the east façade is internally illuminated by neon and the west façade sign is non-illuminated.

*Previous Action.* This project site has been through several COA applications and appeared before the Committee and Commission on eight occasions.



# N O R F O L K

## APPLICATION FOR DESIGN REVIEW

Department of Planning and Community Development  
508 City Hall Building  
Norfolk, Virginia 23510  
PHONE: (757) 664-4364 FAX: (757) 441-1569  
EMAIL: anne.guthrie@norfolk.gov

### I. APPLICATION INFORMATION

4.28  
DATE RECEIVED

For Review: (check boxes that apply)

- ☐ Certificate of Appropriateness:  
☒ Downtown ☐ Ghent ☐ East Freemason ☐ West Freemason  
☐ Public Project ☐ Private Project ☐ Encroachment

Design Review Committee Meeting Date: MAY 8 06

Project Name: GRANBY RESTAURANT LLC T/A BAXTER'S

Project Address: 500 GRANBY STREET

Brief Project Description: ① VINYL LOGO SIGN FOR MAIN ENTRANCE  
② ILLUMINATED SIGN FOR BACK OF BUILDING  
③ SMALL AWNING ENTRANCE CANOPY OVER  
BATE STREET ENTRANCE TO PRIVATE  
Room.

### II. APPLICANT INFORMATION

Applicant Name: BAXTER E. SIMMONS JR.

Applicant Address: 517 PENNSYLVANIA AVE, NORFOLK, VA, 23508

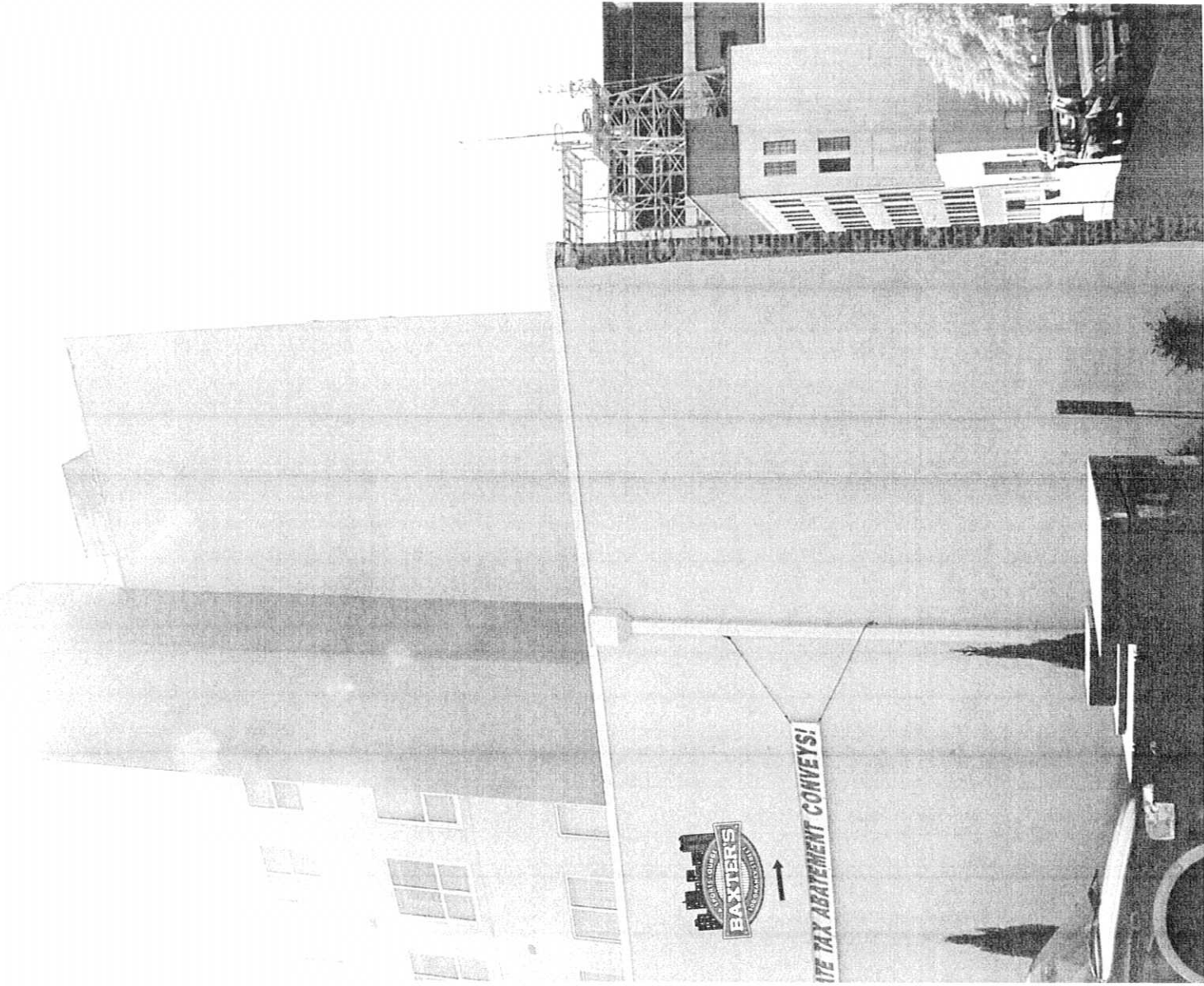
Phone: (757) 622-9837 Fax: 622-9834 E-mail: STERLING@INFO@POL.COM

Property Owner Name: 500 GRANBY LLC Signature: [Signature]

Property Owner Address: 273 GRANBY ST. NORFOLK VA 23510

Phone: 622-1366 Fax: 622-8288 E-mail: CRAIG@THEWRIGHTSITE.CO

REFERRED  
LOCATION  
ON EAST



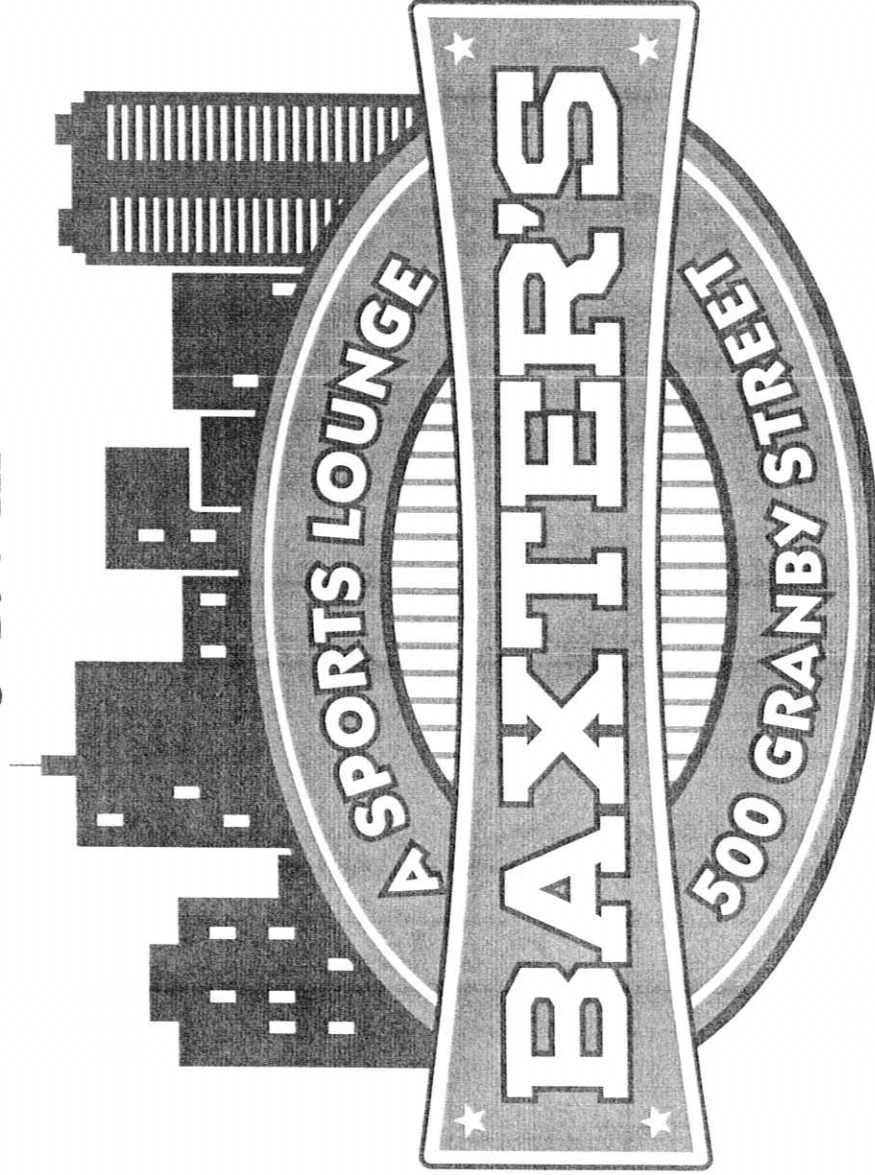




500



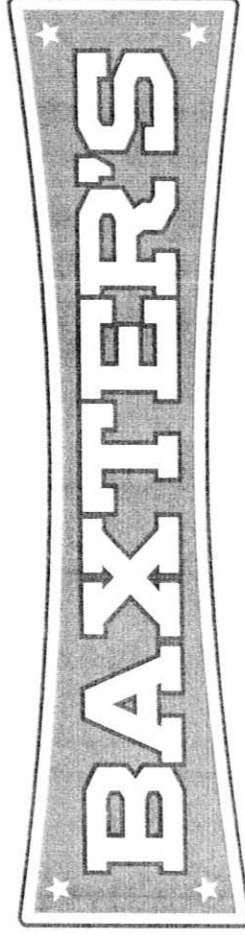
5 ft 4 in



4 ft

36 in

9 in



# 4' X 5'4" SINGLE FACE SIGN INTERNALLY ILLUMINATED



## CONSTRUCTION:

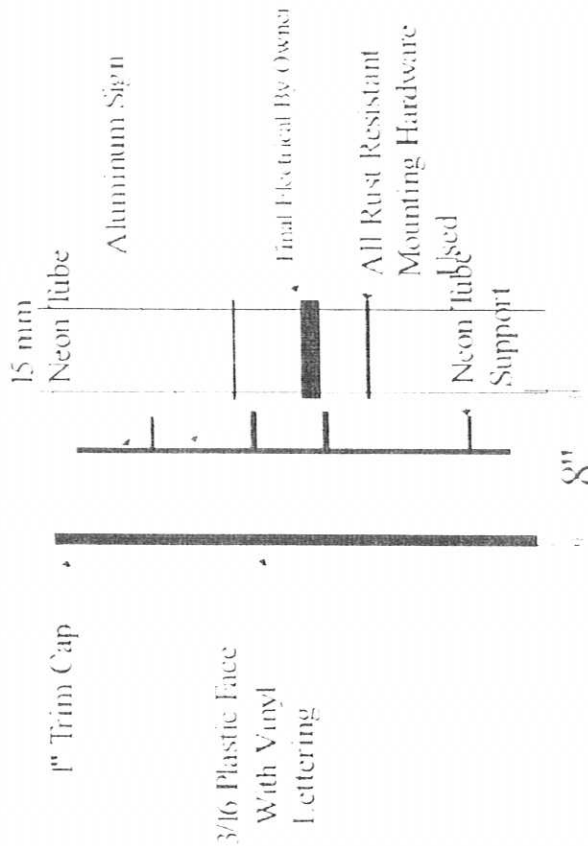
Face: .125 Plexiglass

Trim: Jewellight

Sides: .040 Aluminum

Backs: .090 Aluminum

Illumination: 15mm Neon



SAVED AS:

NORFOLK, VA  
(757) 622-2266  
The Only  
Company  
AMERICAN SIGN  
NORFOLK  
VA 23502 FAX 622-2126

APPROVED BY,

LOCAL:

☒ ☒

MEASURE

ILLUSTRATION

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Prohibited Without Written Consent  
Of American Signs & Neon Corp



## Staff Report & Recommendations

NDRC Meeting: 22 May 2006

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**Project address:** 500 Granby Street, Baxter's

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**Project request:** New signage and awning

**Project type:** Downtown Historic Overlay District (HO-D)

**Zoning:** D-3

Certificate of Appropriateness (COA) & encroachment

**Property owner:** Bobby Wright

**Project presented by:** Baxter Simmons

**Plans** \_\_\_\_\_

**Scaled elevations**   X  

**Renderings** \_\_\_\_\_

**Site Plan**   X  

**Photographs** \_\_\_\_\_

**Application**   X  

**Project summary.** The COA project request is to install:

- an illuminated sign on the east elevation (while three locations are presented, it is the centered sign on the two-storied building that is the preferred);
- an entrance awning on the south elevation of Bute Street; and
- a vinyl logo sign on the entrance awning.

The proposed sign for the east elevation is: 5'-4" x 4' (64" x 48") and is 21.3 square feet.

The sign is internally illuminated by neon.

Previous Actions. This project site has been through several COA applications and appeared before the Committee and Commission on eight occasions.

**Staff Recommendations.** It is the recommendation of staff that the COA project request to:

- install new **signage on the east elevation is considered for approval** on condition of meeting zoning regulations for signage;
- install a new **entrance awning on the south elevation is considered for approval** on condition that the encroachment application is approved through the city's Survey Division; and
- install new **signage on the front entrance awning is considered for denial** until such time that the awning over the entrance is approved as to its installation details.

500 Granby Street

Baxters

Appeal of a  
Certificate of Appropriateness  
decision



# **Appeals from final decisions of the planning commission**

Chapter 9-0.4(m), City Zoning Ordinance



## **Certificate of Appropriateness, Appeals from final decisions of the planning commission**

- Certificate of Appropriateness (COA) application for awnings and signage at 500 Granby Street.
- A COA is required because the property is located in the Downtown Historic Overlay District.
- The COA is reviewed first by the Design Review Committee (DRC), which recommends to the City Planning Commission (CPC).
- The CPC reviews the application, along with DRC recommendations, and renders a final decision.
- A dissatisfied applicant has the right to appeal the decision to the City Council.



- The COA application asked for three approvals:
  - (a) signage on the east side of the building;
  - (b) an awning with logo on the north side;
  - (c) signage on the existing entrance awning on the west side of the building.
- The existing blade sign on the building is a non-conforming (and historic) sign; the signage on this blade sign is 130.2 square feet.
- The COA was reviewed by the DRC for the first time on May 8, 2006, but it was continued.
- On May 22, the DRC approved parts (a) & (b) of the request, but denied part (c).
- On May 25, the CPC reviewed the COA request and approved parts (a) & (b) but denied (c).



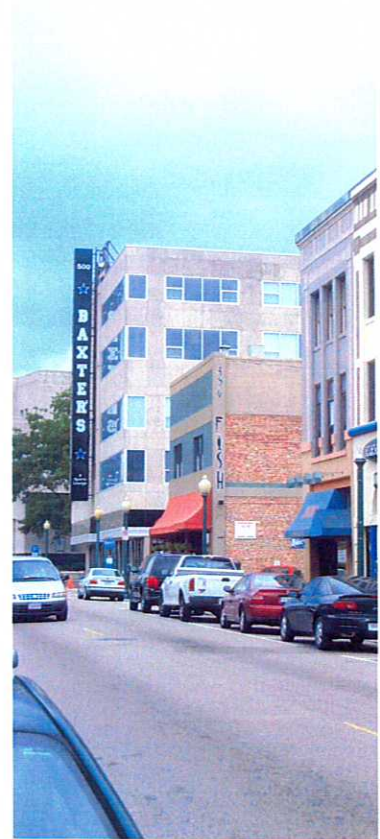
- On appeal, the applicant alleges that the CPC did not have sufficient information to make a decision.
- The applicant claims that some of the materials submitted for review were not available to the commissioners.
- The applicant seeks a substantive review, claiming that the signage is essential to “break the monotony” of the awning.
- On appeal, the City Council must reconsider the application and the decision made by the CPC.



- The criteria for review require consideration of the following:
  - Exterior architectural features, which are subject to the public view from a public street.
  - The general design, arrangement, materials, colors and fenestration of the proposed signage to similar features in the immediate vicinity.
  - The extent to which the proposed signage would be harmonious with or incompatible with the historic overlay district.
  - The extent to which the proposed signage will promote the general welfare of the city....



Specific details  
of the COA request  
that were denied



- This is the third part (c) of the COA request:
  - to install signage and the logo on the existing awning, on the front of the building and over the entrance.
  - The requested sign is 64" x 48" or 21.3 square feet.
- This part of the COA request was the only one of the three parts that was denied.
- The entrance awning is beneath the blade sign.



COA  
Application  
For  
500 Granby



N O R F O L K

APPLICATION FOR DESIGN REVIEW

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508 City Hall Building  
Norfolk, Virginia 23510  
PHONE: (757) 664-4364 FAX: (757) 441-1569  
EMAIL: anne.guthrie@norfolk.gov

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Room.

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Phone: (757) 622-9837 Fax: 622-9834 E-mail: STERLING@INFO@POL.COM

Property Owner Name: 500 GRANBY LLC Signature: [Signature]

Property Owner Address: 273 GRANBY ST. NORFOLK VA 23510

Phone: 822-1366 Fax: 622-8258 E-mail: CRAIG@THEBUREAUSITE.COM

10/14 9:01 AM 9/27/07 JGH

ACCT1111-XP4 1/27/07 9:01 AM

COA application submittals for 500 Granby, part (c) that was denied



COA application submittals for 500 Granby (parts a & b) that were approved



REFERRED  
LOCATION  
ON EAST

